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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/344,492	06/25/1999	JOHN S. HENDRICKS	026880.00029	9126
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ARENT FOX LLP 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			EXAMINER SALCE, JASON P	
			ART UNIT	PAPER NUMBER
			2623	
			NOTIFICATION DATE	DELIVERY MODE
			08/05/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/344,492

Applicant(s)

HENDRICKS ET AL.

Examiner

Jason P. Salce

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-10,12-17,25-27,30-34,36-41 and 50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-10,12-17,25-27,30-34,36-41,50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notices of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/16/2008 has been entered.

Information Disclosure Statement

The information disclosure statements (IDS) submitted on 1/17/2008 and 2/21/2008 was filed before and after the mailing date of the Final Rejection on 1/23/2008. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Election/Restrictions

This application contains claims 18-22 and 42-46 drawn to a nonelected invention. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-4, 6-10, 12-17, 28, 30-34, 36-41 and 50-51 are rejected under 35

U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Referring to dependent claim 28 and independent claims 1, 10, 12, 17, 34, 36, 41 and 50-51, the claims state, **"saving a first restricted version of the electronic book in the library unit including the original format of the electronic book"** and **"creating a second unrestricted version of the electronic book by deleting predetermined content"**. The examiner notes that there is no support in the Applicant's specification for these claim limitations. On Page 56 of Applicant's specification teaches that an unrestricted version contains the original copy and a restricted version contains deleted portions (as opposed to the recited claim limitations).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 6, 8-10, 17, 25-26, 28, 30-34 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handelman et al. (U.S. Patent 6,298,441) in view of Duga et al. (U.S. Patent No. 6,195,667) in view of Moody et al. (U.S. Patent No. 5,890,177) in further view of Dang et al. (U.S. Patent No. 5,778,374).

Referring to claim 1, Handelman discloses restricting access to electronic books displayed on a viewer (**see Figure 12 and Column 7, Line 66 through Column 8, Line 11**).

Handelman also discloses displaying an identification of an electronic book on a viewer (**see screen 425 in Figure 12 and Column 2, Lines 40-44 and Column 16, Lines 45-56 and Column 17, Lines 16-31**).

Handelman also discloses receiving identification information from a user (**see Column 15, Lines 41-47 for sending an identification of the user that has purchased the document**).

Handelman also discloses determining at the viewer if the user is authorized to restrict access to the electronic books (**see Column 17, Lines 27-39 and Column 18, Lines 13-40 for determining if a viewer if authorized (based on conditional access/parental control data) to restrict access to an electronic book document by showing redacted versions of the original document**).

Handelman also discloses that if the user is authorized, displaying the electronic book to the viewer (**see Column 17, Lines 16-19 for displaying an authorized document**).

Handelman also discloses saving an restricted version of the electronic book, the restricted version including the original format of the electronic book (**see Column 17, Lines 27-39 and Column 18, Lines 24-39**).

Handelman also discloses saving an unrestricted version of the electronic book, the unrestricted version including content from the original format of the electronic book and having portions of the original content deleted (**see Column 17, Lines 27-39 and Column 18, Lines 24-39**).

Although Handelman teaches receiving the electronic book data to a library unit (**see Column 6, Lines 33-44**), Handelman fails to teach receiving and updating directory data of the electronic books in a library unit.

Duga discloses receiving and updating directory data of the electronic books in a library unit (**see Column 1, Lines 50-65**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the electronic book system, as taught by Handelman, using the electronic book menu updating method, as taught by Duga, for automatically updating a menu after an electronic book is downloaded to a device, as opposed to a user having to manually enter the title of the electronic book every time the user downloads the electronic book to his/her device.

Although Handelman teaches saving a restricted and unrestricted version of the electronic book, Handelman and Duga fail to disclose receiving at the viewer an identification of restricted content from the user and that the deletions based on the identification of restricted content from the user.

Moody discloses receiving at a viewer/computer an identification of restricted content from the user and that deletions from a document are based on the identification of restricted content from the user (**see Column 2, Lines 30-46, Column 4, Lines 32-48, Column 5, Lines 17-22, Column 6, Lines 4-32 and Figures 1-3**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the electronic book system, as taught by Handelman and Duga, using the document editing software, as taught by Moody, for providing editing software which makes efficient use of editor's time, yet allows rapid consolidation of the edits into a single final document (**see Column 2, Lines 20-24 of Moody**).

Handelman, Duga and Moody fail to disclose inserting a cross-reference to the unrestricted version of the electronic book in a header portion of the restricted version of the electronic book.

Dang discloses inserting a cross-reference to the unrestricted version of the electronic book in a header portion of the restricted version of the electronic book (**see Abstract, Figure 4 and Column 3, Line 55 through Column 5, Line 39**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the electronic book system, as taught by Handelman,

Duga and Moody, using the document cross-referencing feature, as taught by Dang, for providing a common file directory with significantly reduced storage size (**see Column 2, Lines 63-64 of Dang**).

Referring to claim 2, Handelsman discloses receiving information on whether the electronic book contains a restriction based on an associated access level (**see Column 17, Lines 27-35 for receiving a restriction when a smart card is plugged into the document utilization module 415**).

Handelman discloses restricting access to the electronic book based upon the information (**see Column 17, Lines 27-35 for displaying only a portion of a document when the restriction is determined**) , wherein the restricting step includes restricting the access based upon a rating assigned to the electronic book (**see Column 15, Lines 49-50 for the authorization information containing ratings information used in determining if the user will be restricted access to the electronic book**), wherein the rating can be assigned to the electronic book by a user (**see Column 15, Lines 47-50**).

Further note that Dang teaches storing restrictions 417 in the header of a media file 418 that indicate which portions of information that make-up the media file (**see Figure 4**).

Referring to claim 6, see the rejection of claim 1.

Referring to claim 7, Handelman discloses permitting viewing of only selected pages of the electronic book (**the examiner notes that an electronic book inherently contains multiple pages, therefore if an entire version of an electronic book or a portion thereof is not permitted access at the viewer (see the rejection of claim 4 above), then the system inherently only permits viewing of selected pages of the electronic book).**

Referring to claim 8, Handelman discloses permitting viewing of no portion of the electronic book (**see Column 16, Lines 18-31 for only accessing the electronic book is authorized, therefore if the user is not authorized, he/she will view no portion of the electronic book).**

Referring to claim 9, Handelman discloses permitting unlimited access to the electronic book (**see Column 16, Lines 33-36 for storing the document/electronic book on the smart cards memory 395 and Column 16, Line 64 through Column 17, Line 19 for accessing the electronic book from the smart card's memory using the authentication data, therefore, a user can access the electronic book an unlimited amount of times based on if the user is authenticated to access the electronic book stored in the smart card's memory 395).**

Referring to claim 10, see the rejection of claims 1 and 4 and further note that Handelman also discloses receiving information relating to access to the electronic book

by potential users (**see Column 15, Lines 33-50 for the CA document loading unit 350 receiving requests for electronic books**) and further relating to content of the electronic book (**see Column 15, Lines 43-50 for the request information including various types of content related information of the electronic book**).

Referring to claim 17, see the rejection of claim 10.

Referring to claims 25-26, see the rejection of claims 1-3, respectively.

Referring to claim 30, see the rejection of claim 1.

Referring to claims 31-33, see the rejection of claims 7-9, respectively.

Referring to claim 34, see the rejection of claim 10.

Referring to claim 41, see the rejection of claim 10.

Claim 3 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handelman et al. (U.S. Patent 6,298,441) in view of Duga et al. (U.S. Patent No. 6,195,667) in further view of Knauff et al. (U.S. Patent No. 6,654,754) in further view of Ginter et al. (U.S. Patent No. 5,892,900) in further view of Block et al. (U.S. Patent No. 6,675,384).

Referring to claim 3, Handelman, Duga, Knauff and Ginter disclose all of the limitations in claim 1, as well as Handelman teaching that the restricting step includes permitting viewing of text within the electronic book (see Column 2, Lines 39-43), but fails to teach permitting no viewing of images within the electronic book.

Block discloses creating an image mask to block an image from being displayed (see Figure 11 and Column 18, Lines 55 through Column 19, Line 17). Further note that Block clearly teaches that the system can be implemented in an electronic book system (see Column 2, Lines 50-56).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the electronic book viewer, as taught by the combination of Handelman, Duga, Knauff and Ginter, using the masking technology, as taught by Block, for the purpose of providing a substitute program signal instead of the offensive or undesirable portions of a program/book (see Column 2, Lines 19-22 and 50-56 of Block).

Referring to claim 27, see the rejection of claim 3.

Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huffman et al. (U.S. Patent No. 5,761,681) in view of Duga et al. (U.S. Patent No. 6,195,667) in further view of Handelman et al. (U.S. Patent 6,298,441) in view of Moody et al. (U.S. Patent No. 5,890,177) in further view of Dang et al. (U.S. Patent No. 5,778,374).

Referring to claim 50, Huffman discloses electronically displaying a page of an electronic book on a viewer (**see Figure 5**) and permitting a user to restrict content of the electronic book (**see Figure 37**).

Huffman also discloses displaying a screen on a viewer (**see Figure 5 for displaying a screen on the electronic book viewer**).

Huffman also discloses displaying within the screen a page of an electronic book (**see step 450 in Figure 38 for displaying a current page of the electronic book**), the page including at least a portion of content of the electronic book (**see Column 17, Lines 56-59 for displaying a page which includes a portion of the electronic book**).

Huffman also discloses permitting a user to identify at least a portion of the content displayed within the screen (**see step 454 in Figure 38 which allows a user to select a portion of the text in the currently displayed page of the electronic book (also note Column 24, Lines 1-2)**).

Huffman discloses displaying a section within the screen for permitting the user to request restriction of the identified content (**see Column 24, Lines 2-13 for requesting a substitute name in a dialog box display section**). The examiner notes that by replacing a name with a new name, restriction to the name is accomplished.

Although Huffman discloses receiving and storing the electronic book in a library unit (**see Column 6, Lines 3-8**), Huffman fails to disclose indexing the electronic book within an index of the library unit and displaying a screen with the index having the electronic book.

Duga discloses storing and indexing an electronic book in a library unit (**see Column 1, Lines 50-65**) and displaying a directory having the stored electronic book on a viewer (**see Column 1, Lines 61-63**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the electronic book system, as taught by Huffman, using the electronic book menu updating method, as taught by Duga, for automatically updating a menu after an electronic book is downloaded to a device, as opposed to a user having to manually enter the title of the electronic book every time the user downloads the electronic book to his/her device.

Handelman discloses restricting access to electronic books displayed on a viewer **(see Figure 12 and Column 7, Line 66 through Column 8, Line 11)**.

Handelman also discloses displaying an identification of an electronic book on a viewer **(see screen 425 in Figure 12 and Column 2, Lines 40-44 and Column 16, Lines 45-56 and Column 17, Lines 16-31)**.

Handelman also discloses receiving identification information from a user **(see Column 15, Lines 41-47 for sending an identification of the user that has purchased the document)**.

Handelman also discloses determining at the viewer if the user is authorized to restrict access to the electronic books **(see Column 17, Lines 27-39 and Column 18, Lines 13-40 for determining if a viewer if authorized *(based on conditional access/parental control data)* to restrict access to an electronic book document by showing redacted versions of the original document)**.

Handelman also discloses that if the user is authorized, displaying the electronic book to the viewer **(see Column 17, Lines 16-19 for displaying an authorized document)**.

Handelman also discloses saving an restricted version of the electronic book, the restricted version including the original format of the electronic book (**see Column 17, Lines 27-39 and Column 18, Lines 24-39**).

Handelman also discloses saving an unrestricted version of the electronic book, the unrestricted version including content from the original format of the electronic book and having portions of the original content deleted (**see Column 17, Lines 27-39 and Column 18, Lines 24-39**).

Although Handelman teaches saving a restricted and unrestricted version of the electronic book, Huffman, Duga and Handelman fail to disclose receiving at the viewer an identification of restricted content from the user and that the deletions based on the identification of restricted content from the user.

Moody discloses receiving at a viewer/computer an identification of restricted content from the user and that deletions from a document are based on the identification of restricted content from the user (**see Column 2, Lines 30-46, Column 4, Lines 32-48, Column 5, Lines 17-22, Column 6, Lines 4-32 and Figures 1-3**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the electronic book system, as taught by Handelman and Duga, using the document editing software, as taught by Moody, for providing editing software which makes efficient use of editor's time, yet allows rapid consolidation of the edits into a single final document (**see Column 2, Lines 20-24 of Moody**).

Huffman, Duga, Handelman and Moody fail to disclose inserting a cross-reference to the unrestricted version of the electronic book in a header portion of the restricted version of the electronic book.

Dang discloses inserting a cross-reference to the unrestricted version of the electronic book in a header portion of the restricted version of the electronic book (**see Abstract, Figure 4 and Column 3, Line 55 through Column 5, Line 39**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the electronic book system, as taught by Huffman, Duga, Handelman and Moody, using the document cross-referencing feature, as taught by Dang, for providing a common file directory with significantly reduced storage size (**see Column 2, Lines 63-64 of Dang**).

Claim 12-16 and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handelman et al. (U.S. Patent 6,298,441) in view of Duga et al. (U.S. Patent No. 6,195,667) in further view of Moody et al. (U.S. Patent No. 5,890,177) in further view of Dang et al. (U.S. Patent No. 5,778,374) in further view of Paepke (U.S. Patent No. 6,249,785) in further view of Walker (U.S. Patent No. 6,279, 017).

Referring to claim 12, see the rejection of claims 1, 4 and 7 for the claim limitations met by Handelman, Duga, Moody and Dang. Handelman also discloses assigning an access level restriction to a potential user by the use of the CA module

disclosed in the rejection of claim 10. The examiner further notes that Handelman and Duga fail to teach assigning ratings to each of the electronic books.

Paepke discloses a viewer assigning ratings to multiple electronic books through a user interface (see Figures 1 and 16-18).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the rating assignment process, as taught by Handelman, Duga, Moody and Dang, using the multiple book rating process, as taught by Paepke, for the purpose of recommending items to a person based upon accurate estimates of a favorable reaction to the recommendation (see Column 2, Lines 13-16 of Paepke).

Handelman, Duga, Moody, Dang and Paepke fail to teach assigning a time-based restriction to each of the electronic books, wherein each page of the electronic book must be displayed for a predetermined period of time.

Walker discloses assigning a time for each page of an electronic book to be displayed to the user for the assigned amount of time (see Column 16, Lines 41-59).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the restriction assignment process, as taught by Handelman, Duga, Moody, Dang and Paepke, using the time based restriction, as taught by Walker for the purpose of providing a text enhancement method and apparatus for the presentation of text for improved human reading (see Column 2, Lines 58-60 of Walker).

Referring to claim 13, Paepke further discloses that the assigned ratings are within a range of ranges (see Figure 1 for the ratings being numerical values between 1 and 10).

Referring to claim 14, Paepke further discloses selectively permitting access to the electronic books based upon the ratings within the range of ratings (see Column 8, Lines 32-61 and Figure 18 for recommending/permitting access to the predicted electronic books).

Referring to claim 15, Handelman, Duga, Moody, Dang, Paepke and Walker fail to teach that a user must enter a password in order to assign ratings, the examiner takes Official Notice that it is well known in the art to only allow a user to assign ratings to content if a password is entered.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the system of Handelman, Duga, Moody, Dang, Paepke and Walker to only allow user to assign ratings if a password is entered, for the purpose only allowing parents to assign ratings in order block objectionable content from their children.

Referring to claim 16, Paepke further discloses that all users may assign ratings (see Column 8, Lines 32-34), and therefore any user can be considered a default user

as broadly claimed, because only one type of user rating account exists in the system of Paepke.

Referring to claims 36-40, see the rejection of claims 12-16, respectively.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2623

/Jason P Salce/

Primary Examiner, Art Unit 2623

Jason P Salce

Primary Examiner

Art Unit 2623

July 31, 2008